



U.S. Citizenship
and Immigration
Services

Press Release

February 28, 2005

USCIS EXTENDS COMMENT PERIOD FOR PROPOSED CHANGE TO H-2B PROGRAM

Washington, D.C.— U.S. Citizenship and Immigration Services (USCIS) announced today that it is extending the public comment period for a proposed rule that would significantly alter the H-2B program. Starting with the date the extension notice publishes in the *Federal Register*, individuals can submit public comments to USCIS for an additional 30 days. The public may access the proposed rule, which was originally published in the *Federal Register* on January 27, 2005, as well as instructions for filing comments at <http://www.regulations.gov/> or <http://docket.epa.gov/edkpub/index.jsp>

The H-2B program allows U.S. employers to request foreign workers to fill a one-time, peak load, intermittent, or seasonal need for labor when no workers are available in the local job force. Among other things, the new rule would:

- Establish a one-step petition process for U.S. employers seeking H-2B temporary workers,
- Require electronic filing of the Petition for Nonimmigrant Worker (Form I-129) in most instances,
- With limited exceptions, eliminate the need for U.S. employers to obtain a labor certification from the Department of Labor, and
- Establish new management mechanisms allowing USCIS to maintain the integrity of the program.

Under the proposed one-step process, most employers will no longer be required to file for a labor certification from the Department of Labor before filing a petition with the Department of Homeland Security. In the future, most employers will file a petition directly with Homeland Security after conducting their recruitment for U.S. workers.

These regulations are merely proposals for public consideration and comment. Existing H-2B regulations and policies remain in force until further notice. The issuance of these proposed regulations does not change the statutory cap of 66,000 H-2B nonimmigrant visas which are available each fiscal year. USCIS has announced that the cap for FY 05 was met on January 3rd.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.